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Fax: (571) 273-8300
Date: October 27, 2005

From: HOSPIRA, INC.
Tel: 224-212-2889
Fax: 224-212-2088
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RE: US Serial No. 10/727,702
Filed on December 4, 2003

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Hospira, Inc.
275 North Field Drive
Dept. NLEG, Bldg. H-1
Lake Forest, IL 60045
www.hospira.com

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Cho, et al.

Serial No.: 10/727,702

Filed: December 4, 2003

Confirmation No.: 8659

Title: CLOSED LOOP IV FLUID FLOW CONTROL

Case No.: 6711.US.C1

Group Art Unit: 3748

Examiner: Corrigan, Jamie W.

Certificate of Facsimile Transmission under 37 CFR §1.8(a):

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Eastern time on the date shown below, addressed to the following recipient:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Recipient Fax No.: (571) 273-8300

Robin Evans 10/27/05
Robin Evans Date

TRANSMITTAL LETTER

Mail Stop PETITION
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for the patent application identified above entitled CLOSED LOOP IV FLUID FLOW CONTROL are the following:

1. Petition for Reconsideration of Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (2 pages)
2. Statement of Robert DeBerardine from Abbott Laboratories (2 pages)
3. Copy of Docket Record (Exhibit A)
4. Copy of Letter from Office of Petitions dated 9/29/2005 (3 Pages)
5. Issue Fee Transmittal, in duplicate
6. Fee Address Indication Form (1 page)

The Commissioner is hereby authorized to charge any fees

required with this communication for which full payment had not been tendered, to Deposit Account No. 50-3118.

Respectfully submitted,
S. Cho, et al.

Customer No. 41155

HOSPIRA, INC.
Telephone: (224) 212-2889
Facsimile: (224) 212-2088

Michael R. Crabb
Registration No. 37,298
Attorney for Applicants

PAGE 3/14 * RCVD AT 10/27/2005 4:06:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/35 * DNIS:2738300 * CSID:2242122087 * DURATION (mm-ss):03-20

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PATENT

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Alexandria, VA 22313-1450

Recipient Fax Number: 571-273-8300

Robin S. Evans 10/27/05
Date

PETITION FOR RECONSIDIERATION OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Mail Stop PETITION
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to your letter dated September 29, 2005, we request reconsideration of our petition submitted on March 9, 2005.

Provided in support of our petition is the following:

1. A statement from Robert DeBerardine of Abbott Laboratories stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates the communication was not received.

2. A copy of the docket record where the non-received Office communication would have been docketed (Exhibit A).

No fee is believed to be due in connection with this paper. However, the Commissioner is hereby authorized to charge any fees required with this communication for which full payment had not been tendered, to Deposit Account No. 50-3118.

Respectfully submitted,
S. Cho, et al.

Customer No. 41155

HOSPIRA, INC.
Telephone: (224) 212-2889
Facsimile: (224) 212-2088

Michael R. Crabb
Registration No. 37,298
Attorney for Applicants

PAGE 5/14 * RCVD AT 10/27/2005 4:06:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/35 * DNIS:2738300 * CSID:2242122087 * DURATION (mm-ss):03-20

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Cho, et al.

Serial No.: 10/727,702

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Title: CLOSED LOOP IV FLUID FLOW CONTROL

Case No.: 6711.US.C1

Group Art Unit: 3748

Examiner: Corrigan, Jamie W.

Certificate of Facsimile Transmission under 37 CFR §1.8(a):

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Eastern time on the date shown below, addressed to the following recipient:

Mail Stop PETITION
Commissioner for Patents
Alexandria, VA 22313-1450

Recipient Fax Number: 571-273-8300

Robin Evans 10/27/05
Robin Evans Date

STATEMENT OF ROBERT DEBERARDINE

Mail Stop PETITION
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

1. I am Division Vice President and Chief Patent and Trademark Counsel for Abbott Laboratories.

2. I did not receive the original Notice of Allowance mailed by the USPTO on September 27, 2004.

3. I have searched the file jacket and docket records where the non-received Office Communication would have been recorded had it been received and docketed. The file jacket and docket records indicate the Office Communication was not received by Abbott Laboratories.

4. A copy of the docket record is enclosed as Exhibit A.

10/27/05
Date

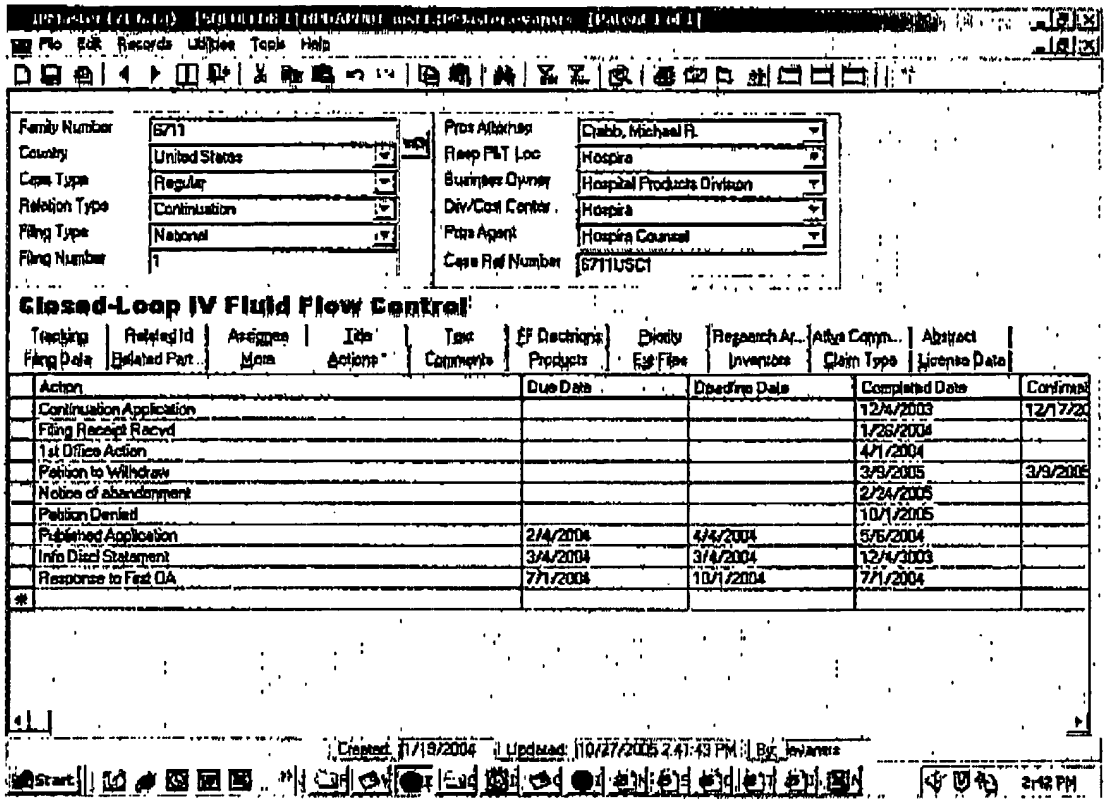
Robert DeBerardine, Reg. 32,853
DVP, Chief Patent & Trademark Counsel
Abbott Laboratories

PAGE 7/14 * RCVD AT 10/27/2005 4:06:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/35 * DNIS:2738300 * CSID:2242122087 * DURATION (mm-ss):03-20

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EXHIBIT A

Docket Record for Serial No. 10/727,702



File Edit Records Utilities Tools Help

Family Number	6711	Pros Attorney	Cobb, Michael R.
Country	United States	Resp P&T Loc	Hospira
Case Type	Regular	Business Owner	Hospital Products Division
Relation Type	Continuation	Div/Cost Center	Hospira
Filing Type	National	Pros Agent	Hospira Counsel
Filing Number	1	Case Ref Number	6711USC1

Closed-Loop IV Fluid Flow Control

Tracking Filing Data | Related Id Related Part | Assignee More | Idx Actions | Text Comments | EF Doctrines Products | Priority Est Files | Research Ar... Inventors | Attys Comm... Claim Type | Abstract License Data

	Action	Due Date	Deadline Date	Completed Date	Confirmat
	Continuation Application			12/4/2003	12/17/20
	Filing Receipt Recvd			1/26/2004	
	1st Office Action			4/1/2004	
	Petition to Withdraw			3/9/2005	3/9/2005
	Notice of abandonment			2/24/2005	
	Petition Denied			10/1/2005	
	Published Application	2/4/2004	4/4/2004	5/6/2004	
	Info Discl Statement	3/4/2004	3/4/2004	12/4/2003	
	Response to First OA	7/1/2004	10/1/2004	7/1/2004	
*					

Created: 11/19/2004 Updated: 10/27/2005 2:41:43 PM By: jwarren

Start 2:42 PM

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ABBOTT LABS
OCT 4 2005
PATENT DEPARTMENT

ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

COPY MAILED

SEP 29 2005

OFFICE OF PETITIONS

In re Application of
Cho, et al.
Application No. 10/727,702
Filed: December 4, 2003
Attorney Docket No. 6711.US.C1

ON PETITION

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OCT 27 2005

This is a decision on the petition under 37 CFR 1.181, filed March 9, 2005, requesting withdrawal of the holding of abandonment.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit the issue fee and publication fee in reply to the September 27, 2004 Notice of Allowance and Fee(s) Due, which set a three month period for reply. Accordingly, the above-identified application became abandoned on December 28, 2004. A Notice of Abandonment was mailed on February 11, 2005.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the September 27, 2004 Notice of Allowance and Fee(s) Due, and in the absence of any irregularity there is a strong presumption

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

that the communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner is not practicing at the correspondence address of record. Practitioner's address and the address listed at the bottom of the petition is:

HOSPIRA, INC.
275 NORTH FIELD DRIVE
DEPT. NLEG, BLDG., H-1
LAKE FOREST, IL 60045-257

The September 27, 2004 Notice was properly mailed to the Abbott Laboratories address. The fact that practitioner did not receive the September 27, 2004 Notice at the Hospira, Inc., address does not establish non-receipt.

A statement from the practitioners at the Abbott Laboratories address is required. Only they can provide a proper showing of non-receipt.

Since petitioners allege non-receipt of the September 27, 2004 Notice, a copy is enclosed. It is assumed the September 27, 2004 Notice of Allowability was not received, either. A copy of it is enclosed, as well.

Petitioners are encourage to file either a petition to revive under 37 CFR 1.137(a) – the unavoidable standard – or a petition under 37 CFR 1.137(b) – the unintentional standard. The copy of the two September 27, 2004 Notices will allow petitioners respond properly by paying all required fees and returning a completed Part B - Fee(s) Transmittal. Doing so will avoid further delays in the issuance of any future patent.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosures: copy of Notice of Allowance and Fee(s) Due - September 27, 2004
copy of Notice of Allowability - September 27, 2004

cc: HOSPIRA, INC.
275 NORTH FIELD DRIVE
DEPT. NLEG, BLDG., H-1
LAKE FOREST, IL 60045-257

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OCT 27 2005

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23492 7590 09/27/2004

ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

10/28/2005 AOSMAN2 00000025 503118 10727702

01 FC:1501 1400.00 DA
02 FC:1504 300.00 DA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

ROBIN EVANS (Depositor's name)
(Signature)
Oct. 27, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,702	12/04/2003	Steve T. Cho	6711.US.C1	8659

TITLE OF INVENTION: CLOSED-LOOP IV FLUID FLOW CONTROL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1330	$300	$1630	12/27/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CORRIGAN, JAIME W	3748	604-065000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1. BETH A. VRIONI
2. MICHAEL R. CRABB
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: HOSPIRA, INC
(B) RESIDENCE: (CITY and STATE OR COUNTRY): LAKE FOREST, IL

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-3718 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Michael R. Crabb Date 10/27/2005

Typed or printed name Michael R. Crabb Registration No. 37,298

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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